

# Notice of Allowability

Application No.

10/637,438

Examiner

Farah Faroul

Applicant(s)

STEPHENS ET AL.

Art Unit

2616

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to November 19, 2007.
2. ☒ The allowed claim(s) is/are 1-2, 5-29, renumbered 1-27, respectively.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other

  
**FIRMIN BACKER**  
SUPERVISORY PATENT EXAMINER

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### **DETAILED ACTION**

1. The following Office Action is based on the amendment filed on November 19, 2007 having claims 1-2 and 5-29 (claims 3 and 4 having been cancelled) and figures 1-5.

### ***Drawings***

2. The drawings were received on November 19, 2007. These drawings are accepted.

### ***Allowable Subject Matter***

3. The following is an examiner's statement of reasons for allowance:

For claims 1-9, the prior art fails to teach a combination of:

Selecting an adaptation technique from a group including prefix adaptation and postfix adaptation for use in the subsequent frame exchange based on said estimated throughput using prefix adaptation and based on said estimated throughput using postfix adaptation; and

Performing the subsequent frame exchange using the selected adaptation technique

For claims 11-14, the prior art fails to teach a combination of:

When data is to be transferred, determining a time T since adaptation information was last obtained; and

When time T is greater than the adaptation validity duration, selecting prefix adaptation for a subsequent frame exchange

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For claims 15-18, the prior art fails to teach a combination of:

Estimating throughput for a subsequent frame exchange using prefix adaptation;

Estimating throughput for a subsequent frame exchange for using postfix adaptation and the postfix data transmission rate; and

Selecting an adaptation technique to be used for the subsequent frame exchange based on said estimated throughput using prefix adaptation and based on said estimated throughput using postfix adaptation

For claims 19-23, the prior art fails to teach a combination of:

Selecting an adaptation technique from a group including prefix adaptation and postfix adaptation for use in the subsequent frame exchange based on said estimated throughput using prefix adaptation and based on said estimated throughput using postfix adaptation; and

Performing said frame exchange in the wireless channel using the selected adaptation technique

For claims 24-26, the prior art fails to teach a combination of:

A throughput estimator to estimate the throughput of a subsequent frame exchange using prefix adaptation and the throughput of the subsequent frame exchange using postfix adaptation wherein prefix adaptation is a technique where, during a frame exchange with a remote entity, adaptation information is received from the remote entity before transmission of one or more data frames to the remote entity and postfix adaptation is a technique where, during a frame exchange with a remote entity, adaptation information is received after the transmission of one or

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more data frames to the remote entity, said adaptation information being information on how to adapt a data transmit parameter, and

A selector to select an adaptation technique from a group including prefix adaptation and postfix adaptation for use in the subsequent frame exchange based on said estimated throughput using prefix adaptation and said estimated throughput using postfix adaptation

For claims 27-29, the prior art fails to teach a combination of:

A throughput estimator to estimate the throughput of a subsequent frame exchange using prefix adaptation and the throughput of the subsequent frame exchange using postfix adaptation wherein prefix adaptation is a technique where, during a frame exchange with a remote entity, adaptation information is received from the remote entity before transmission of one or more data frames to the remote entity and postfix adaptation is a technique where, during a frame exchange with a remote entity, adaptation information is received after the transmission of one or more data frames to the remote entity, said adaptation information being information on how to adapt a data transmit parameter, and

A selector to select an adaptation technique from a group including prefix adaptation and postfix adaptation for use in the subsequent frame exchange based on said estimated throughput using prefix adaptation and said estimated throughput using postfix adaptation

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Response to Arguments***

4. Applicant's arguments, filed November 19, 2007, with respect to claims 1-2 and 5-29 have been fully considered and are persuasive. The rejection of claims 1-2 and 5-29 has been withdrawn.

### ***Conclusion***

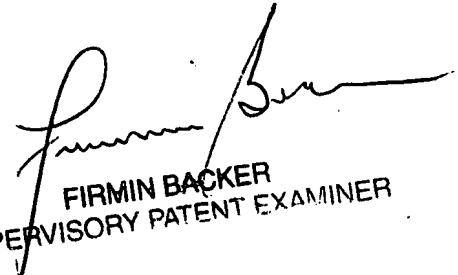
5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Maltsev et al. (US 2005/0152465 A1) and Chuang et al. (US 6,823,005 B1) are cited to show systems pertinent to applicant's invention.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Farah Faroul whose telephone number is 571-270-1421. The examiner can normally be reached on Monday - Friday 6:30 AM - 4 PM EST. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Firmin Backer can be reached on 571-272-6703. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

F.F.



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